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THE HONORABLE MARY JO HESTON
CHAPTER 13
LOCATION: Tacoma, Washington

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

In Re:

BRIAN DOUGLAS DESKINS AND
CHERYL ANN DESKINS,

Debtors.

Case No. 18-42845-MJH

DECLARATION OF TRACY MAHER IN
SUPPORT OF MOTION FOR
DETERMINATION OF FINAL CURE AND
PAYMENT

I, TRACY MAHER, hereby declare that the following statements are true and correct to the
best of my knowledge, and am subject to penalty of perjury under the laws of the United States:

1. I am over the age of eighteen, a resident of the United States of America, and otherwise
competent to provide the following testimony from my personal knowledge;
2. I am employed by Michael G. Malaier, Chapter 13 Trustee charged with administering
the instant bankruptcy estate;
3. Debtors' confirmed plan provided for the second mortgage to be paid direct, ECF No.
40. During the duration of the confirmed plan providing for the second mortgage to be
paid direct, there were Notice of Mortgage Payment Changes filed 11/1/2018,
12/3/2023, 1/2/2019, 2/4/2019, 3/4/2019, 4/1/2019, 5/2/2019, 6/4/2019, 6/27/2019 and
7/31/2019.

- 1 4. An Order was entered modifying the plan on May 11, 2020, providing for the second
2 mortgage to be paid inside debtor's plan, ECF No. 72. An amended proof of claim was
3 filed July 29, 2020. There have been no Notice of Mortgage Payment Changes filed
4 since the modification approved by the Court May 11, 2020.
- 5 5. The Trustee filed its' Notice of Final Cure on July 8, 2023, ECF No. 87.
- 6 6. According to our records, Debtors are current on their mortgage payments through
7 September, 2023 with their next mortgage payment due October 1, 2023. The trustee
8 reflects that the debtor is current pre and post-petition. *See* ECF No. 87.
- 9 7. The Creditor, Legacy Mortgage Asset Trust 2021-SL2 filed its Response to Notice of
10 Final Cure on the 28th day of July, 2023. The Response asserted that the Debtor was
11 post-petition delinquent \$12,636.06.
- 12 8. The Response lists post-petition payment increases beginning in April of 2022 through
13 July of 2023, not of which were filed with the Court.
- 14 9. The Trustee's calculation of the alleged post-petition payment changes through
15 September of 2023 is as follows:
- 16 05/20 - 04/21 = \$433.43 x 12
17 05/21 - 03/22 = \$433.43 x 11
18 04/22 - 04/22 = \$611.78 x 01
19 05/22 - 05/22 = \$674.77 x 01
20 06/22 - 06/22 = \$709.12 x 01
21 07/22 - 07/22 = \$720.99 x 01
22 08/22 - 08/22 = \$752.92 x 01
23 09/22 - 09/22 = \$778.99 x 01
24 10/22 - 10/22 = \$781.13 x 01
25

1 11/22 - 11/22 = \$815.70 x 01

2 12/22 - 12/22 = \$833.81 x 01

3 01/23 - 02/23 = \$854.21 x 02

4 03/23 - 03/23 = \$831.59 x 01

5 04/23 - 08/23 = \$854.21 x 05

6 Total alleged to have been paid: \$23,459.16

7 Total that has been paid \$17,337.20

8
9 Shortage: \$6,121.96

10
11 That I will provide any further information required by the Court to assist in its
12 adjudication of the issues presented in the motion for determination of final cure and
13 payment.

14 **DATED** this 22nd day of August, 2023 at Tacoma, Washington.

15
16 /s/ Tracy Maher
17 Tracy Maher
18 Office Manager to
19 Michael G. Malaier
20 Chapter 13 Trustee
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